

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
v.)
Plaintiff,)) No. 3:24-CR-36-KAC-DCP
PAYTON ENGLISH,)
Defendant.)

O R D E R

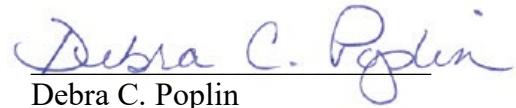
This case is before the Court on Defendant Payton English's pro se motion expressing concerns about her representation and asking the Court to appoint substitute counsel [Doc. 106]. This filing was received by the Court on August 8, 2024, and was docketed as a pro se motion for substitute counsel the following day. *See* 28 U.S.C. § 636(b). The Court appointed Attorney Stephen G. McGrath to represent Defendant English on June 5, 2024 [Doc. 62], at Defendant's initial appearance on a Superseding Indictment. In the pro se filing, Defendant states that she "do[es] not see eye to eye" with counsel and believes counsel does not have her best interest at heart [Doc. 106 p. 1]. Defendant contends that counsel declines to request a detention hearing and has encouraged Defendant to accept a plea agreement although they have not completed review of the evidence [*Id.*]. Defendant doubts her relationship with counsel can be restored and asks the Court to appoint new counsel [*Id.*].

Before it can substitute court-appointed counsel, the Court must find an actual conflict of interest or an irreparable breakdown in the attorney-client relationship. *United States v. Sullivan*, 431 F.3d 976, 979–80 (6th Cir. 2005) (citing *Wilson v. Mintzes*, 761 F.2d 275, 280 (6th Cir. 1985)). Here, the undersigned requires additional information to make this determination. Accordingly, the Court **ORDERS** as follows:

- (1) Defense counsel is **DIRECTED** to confer with Defendant English about her pro se filing [Doc. 106] and to file either a motion for review of the attorney-client relationship or a motion to withdraw the pro se motion, as appropriate;
- (2) Defense counsel shall file a motion for review of the attorney-client relationship or a motion to withdraw the pro se filing on or before **August 28, 2024**; and
- (3) Defense counsel's Motion to Continue Motion Deadline [Doc. 107] is taken under advisement pending resolution of the pro se motion.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
Debra C. Poplin
United States Magistrate Judge